

107TH CONGRESS  
1ST SESSION

# H. R. 2732

To amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to prevent the westward spread of aquatic nuisance species by directing the Secretary of the Interior to prevent westward spread of such species across and beyond the 100th meridian, monitor water bodies, and provide rapid response capacity in certain Western States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2001

Mr. BAIRD (for himself, Mr. EHLERS, Mr. OTTER, Mr. BONIOR, Mr. RAHALL, Mr. OBERSTAR, Mr. DEFazio, Mr. WALDEN, Mr. INSLEE, Mr. HASTINGS of Washington, Mr. McDERMOTT, Mr. WU, Mr. BLUMENAUER, Ms. HOOLEY of Oregon, Mr. BORSKI, Mr. BARCIA, Mr. GEORGE MILLER of California, Mr. SIMPSON, Mr. THOMPSON of California, Mr. NETHERCUTT, Mr. DICKS, and Mr. HALL of Texas) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to prevent the westward spread of aquatic nuisance species by directing the Secretary of the Interior to prevent westward spread of such species across and beyond the 100th meridian, monitor water bodies, and provide rapid response capacity in certain Western States, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Stop Westward Aquat-  
5       ic Threats Act”.

6       **SEC. 2. AMENDMENT OF NONINDIGENOUS AQUATIC NUI-**  
7                       **SANCE PREVENTION AND CONTROL ACT OF**  
8                       **1990.**

9       Except as otherwise expressly provided, whenever in  
10      this Act an amendment or repeal is expressed in terms  
11      of an amendment to, or repeal of, a section or other provi-  
12      sion, the reference shall be considered to be made to a  
13      section or other provision of Nonindigenous Aquatic Nui-  
14      sance Prevention and Control Act of 1990 (16 U.S.C.  
15      4701 et seq.).

16      **SEC. 3. 100TH MERIDIAN AND WESTWARD PROGRAM.**

17      Subtitle C (16 U.S.C. 4721 et seq.) is amended by  
18      adding at the end the following:

19      **“SEC. 1210. 100TH MERIDIAN AND WESTWARD PROGRAM.**

20           “(a) PUBLIC INFORMATION AND EDUCATION.—The  
21      Secretary shall coordinate with the States to provide the  
22      public with information and education on the threat of  
23      zebra mussels and other aquatic nuisance species and how  
24      to prevent their westward advance.

1       “(b) SOURCE STATES ACTION PLAN.—The Sec-  
2 retary, in consultation with the Task Force, shall work  
3 with States that contain aquatic nuisance species, includ-  
4 ing zebra mussels, that threaten western States to develop  
5 and implement a prevention action plan that includes in-  
6 spections of vessels at boat launches and elsewhere.

7       “(c) MOVEMENT ACROSS THE 100TH MERIDIAN.—

8               “(1) EARLY DETECTION AND RAPID RE-  
9 SPONSE.—The Secretary, in consultation with the  
10 Task Force, shall seek to prevent westward move-  
11 ment of aquatic nuisance species by monitoring and  
12 preventing westward movement of zebra mussels and  
13 other aquatic nuisance species across and beyond the  
14 100th meridian, monitoring water bodies, educating  
15 boaters leaving waters infected by aquatic nuisance  
16 species, and providing rapid response capacity in  
17 North Dakota, South Dakota, Nebraska, Kansas,  
18 Oklahoma, and Texas.

19               “(2) CHECK STATIONS.—Under this subsection,  
20 the Secretary, in collaboration with the Secretary of  
21 Transportation and the States, shall—

22                       “(A) work with States to establish check  
23 stations on highways and waterways that cross  
24 the 100th meridian, and require that all com-  
25 mercial vessels moving westward across the me-

1           ridian stop and be checked for zebra mussels  
2           and aquatic weeds at such check stations;

3           “(B) require that contaminated vessels  
4           identified at such check stations be cleaned in  
5           accordance with protocols developed by the  
6           Task Force before being moved across the  
7           100th meridian;

8           “(C) assess and collect from persons who  
9           violate such requirement more than one time a  
10          civil penalty of \$150 for each violation after the  
11          first violation;

12          “(D) identify and record all vessels that  
13          stop at such check stations and the water body  
14          most recently visited by each such vessel;

15          “(E) focus prevention resources on States  
16          having the greatest number of contaminated  
17          vessels; and

18          “(F) coordinate implementation of this  
19          subsection with appropriate Canadian authori-  
20          ties.

21          “(d) VECTOR ACTION PLANS.—The Secretary and  
22          the Task Force, in collaboration with the States and with-  
23          in 18 months after the date of the enactment of this sub-  
24          section, shall—

1           “(1) assess the relative risk of vectors and  
2 pathways of westward movement of zebra mussels  
3 and other aquatic nuisance species across the 100th  
4 meridian and throughout the western States and de-  
5 velop adequate action plans to control each pathway,  
6 ranked by priority; and

7           “(2) provide to the Task Force, for distribution  
8 to the States, data developed through such assess-  
9 ment.

10       “(e) LEWIS AND CLARK BICENTENNIAL EXPEDI-  
11 TION.—

12           “(1) IN GENERAL.—The Secretary of the Inte-  
13 rior shall ensure that the United States Fish and  
14 Wildlife Service and the National Park Service co-  
15 ordinate efforts to implement an action plan to pre-  
16 vent the spread of aquatic nuisance species by ves-  
17 sels and other potential vectors involved in the Lewis  
18 and Clark Bicentennial Expedition, including efforts  
19 to educate participants in such Expedition by no  
20 later than January 1, 2003.

21           “(2) AUTHORIZATION OF APPROPRIATIONS.—  
22 There are authorized to be appropriated to the Sec-  
23 retary of the Interior to carry out this subsection  
24 \$100,000 for each of fiscal years 2002 through  
25 2005.

1       “(f) APPLICATION IN OTHER STATES.—If the Sec-  
 2       retary determines that any State (other than those listed  
 3       in subsection (c)) that is located west of the 100th merid-  
 4       ian needs to be involved in implementation of this section  
 5       for this section to be effective, the Secretary may apply  
 6       this section in such State.

7       “(g) EVALUATION OF EFFECTIVENESS.—The Sec-  
 8       retary shall enter into an arrangement with an inde-  
 9       pendent entity under which the entity shall, by January  
 10      1, 2005, evaluate the effectiveness of the 100th meridian  
 11      and westward program under this section in stopping the  
 12      westward movement of zebra mussels and other aquatic  
 13      nuisance species across and beyond the 100th meridian.

14      “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
 15      are authorized to be appropriated to the Secretary to carry  
 16      out this section \$5,000,000 for each of fiscal years 2003  
 17      through 2007.”.

18   **SEC. 4. STATE MANAGEMENT PLANS.**

19      (a) GRANTS TO STATES FOR DEVELOPMENT OF  
 20      MANAGEMENT PLANS.—Section 1204(b) (16 U.S.C.  
 21      4724(b)) is amended—

22           (1) in paragraph (1) by inserting “make grants  
 23           to States to develop management plans under this  
 24           section, including for hiring personnel for such de-

1       velopment, and” after “at the recommendation of  
2       the Task Force,”;

3               (2) in paragraph (3)(A) by striking “each com-  
4       prehensive management plan implemented with Fed-  
5       eral assistance” and inserting “implementation of  
6       each comprehensive management plan”; and

7               (3) in paragraph (3)(B) by striking “each pub-  
8       lic facility management plan implemented with Fed-  
9       eral assistance” and inserting “implementation of  
10      each public facility management plan”.

11      (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
12   1301 (16 U.S.C. 4724) is amended—

13              (1) in subsection (c) by striking “There are au-  
14      thorized” and all that follows through “of which”  
15      and inserting “For grants to States under section  
16      1204(b) there are authorized to be appropriated to  
17      the Director \$10,000,000 for each of fiscal years  
18      2003 through 2007, of which up to 20 percent may  
19      be available for plan development and of which”;  
20      and

21              (2) by adding at the end the following:

22      “(f) FUNDING FOR CAPACITY BUILDING BY WEST-  
23      ERN REGIONAL PANEL.—To build capacity and foster the  
24      development and implementation of comprehensive man-  
25      agement plans under section 1204 for States located on

1 or west of the 100th meridian there are authorized to be  
2 appropriated to the Western Regional panel established  
3 under section 1203(b) \$600,000 for each of fiscal years  
4 2003 through 2007.”.

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